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N0: 06 -1344

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SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

Nicolas S. Laurent
As Guardian for four children
Et, al.,

Petitioners,

v.

Nancy N. Herkert, chapter 13 trustee
Bank Atlantic Federal Saving Bank
Joanne M. Chin, Vice President, for Bank Atlantic
FSB # 810
Hugo A. Martinez
Stephen N. Rosenthal
Rachel Baum, Finance Director
Elsa C. Machado, Property Tax Collector
Board of County Commissioners Miami Dade county
Miami –Dade County Property Tax Collector.

Respondents,

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR ELEVENTH CIRCUIT

PETITION FOR REHEARING

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INTRODUCTION

Pursuant to Rule 44. 2, Petitioner respectfully petitions this court for Petition for Rehearing, in good faith, not to delay time.
United States Court of Appeals decision on July 14, 2006, to affirmed the District court order, constitute plain error.

Review Court of Appeals Is Necessary To Prevent Defect In the Constitution, because of Conflict between The Court, And United States Department of Justice Office of the Solicitor General, As to whether Respondent is a United States trustee.

ARGUMENT FOR GRANTING PETITION FOR REHEARING FOR WRIT OF CERTIORARI

REVIEW OF THE COURT OF APPEALS FOR ELEVENTH CIRCUIT DECISION IS NECESSARY AND APPROPRIATE TO RESOLVE A CONFLICT IN THE CIRCUIT COURT AS TO WHETHER RESPONDENT NANCY N. HERKERT IS A UNITED STATES TRUSTEE, AND BECAUSE THIS CASE IS ONE OF NATIONAL IMPORTANCE.

On April 30, 2007, United States Department of Justices office of the Solicitor General, Mr. Paul D. Clement sent a pleading letter Waiver of rights dated April 27, 2007, to Petitioner Laurent and to all parties of interest, in ref. to Nicolas S. Laurent v. Nancy N. Herkert, et, al., S. CT. No: 06-1344, stating Although the court of Appeals styled this case Laurent v. United trustee, Nancy N. Herkert, the United States will not file a response to the Petition for Writ of Certiorari for this case number, since Ms. Nancy N. Herkert is not the United States trustee, instead is the Chapter 13 standing trustee, for the Southern District of Florida, (a private party), not component of Justice Department.

"The United States trustee did not participate in this case in the Court of Appeals or in the District Court, was not name as a Respondent in the Petition, and has no interest in the outcome of the Petition." For that reasons, the United States will not filed a response to the Petition."

Petitioner, Nicolas S. Laurent Support United States Department of Justice office of the Solicitor General statement made on April 27, 2007, and Petitioner always indicated to the District Court, and court of Appeals in so many occasions, "That Respondent, Nancy N. Herkert,

is a private individual chapter 13, and not component of Justice Department.

United States Department of Justice office of Solicitor General Confirmed the statement made by Petitioner, Nicolas S. Laurent.

Court of Appeals, and the District Court, opinion are in conflict with the law, since Petitioner did not served any Summons, or any complaint to the United States trustee, as a party, neither in the District Court Southern District of Florida, Nor Court of Appeals, for Eleventh Circuit; **and also** Petitioner did not served any Summons or complaint to certain Maritnez, and to certain Steven, since they are not parties in Mr. Laurent First Amended Complaint neither in the District Court Southern District of Florida, nor in the Court of Appeals for Eleventh Circuit.

Court of Appeals for Eleventh Circuit, and District court Southern District of Florida abused its discretion, in the statement made in the Judgment entered against Mr. Nicolas S. Laurent by giving Ms. Nancy N. Herkert, a false Title United States Trustee, and the other Respondents fake name Maritnez, and Steven, in order to dismissed Petitioner's case, and seize petitioner's Guardian home property, for prejudice, since Respondent, Nancy N. Herkert is chapter 13 trustee, (private individual) not United States trustee, and not component of Justice Department.

District Court and Court of Appeals erred by denied Petitioner, Nicolas S. Laurent right to fair trial as acknowledge by the statement made by the U.S. Department of Justice Mr. Paul D. Clement, office of the Solicitor General Letter dated, April 27, 2007.

Petitioner, Nicolas S. Laurent comply in so many occasions to resolved this matter amicable, but they Respondents failed to do so.

Court of Appeals is in conflict with its own rules, by insert the full name of the children, one which is autism in the opinion filed on July 14, 2006, and the judgment made, on October 12, 2006, since Petitioner didn't insert the children's name in the First Amendment Complaint filed in the District Court neither in the Notice of Appeals filed in the Court of Appeals.

11th Cir. 31-6 (b) Name of minor Children, if the involvement of minor children must be used, only the initials of that child should be used.

Petitioner don't owed Ms. Nancy N. Herkert payment, in the chapter 13 bankruptcy court payment plan.

On November 10, 2004, Respondent, Nancy N. Herkert, Chapter 13 trustee filed Notice of Deposits of balance funds, in the U.S. Bankruptcy Court $ 4, 681. 64, out of $ 24, 106. 90, dollars, failed to credit petitioner inside the chapter 13 payment plan, case number: 00-50881-BKC, which is still in the U.S. Court Registry as of today. Now, the remaining balance is $ 19, 425. 26, which Respondent, Nancy N. Herkert failed to credit Petitioner inside the Chapter 13 payment plan.

Chambers v. Goldberg, Inc., 501 U.S. 1276544, 32 FED. R. SEV. 3d (LCP) 1263 (3 Cir. Pa 1995).

Federal judges have an inherent power to punish parties and attorney in contempt.

Respondents failed to answer Petitioner statement in the Petition for Writ of Certiorari regarding Hugo A. Martinez 's foreclosure on May 24, 2002, and second foreclosure made on November 13, 2002 with the Guardian home property taxes, Mr. Laurent already paid inside the Chapter 13 payment plan, both foreclosures-

Cancelled in the State Court, Eleventh Judicial Circuit recorded on Harvey Ruvin Clerk of Court Book # 22494, at pages 0146, Dade County West Flagler Miami, Florida.

Borg Warner Acceptance Corp. V. Hall 685 F. 2d 1306 (11th Cir. 1982).

Petitioner, Nicolas S. Laurent object orally to Mr. Stephen N. Rosenthal, and his client Hugo A. Martinez false representation mortgage claim, in the court.

Mr. Hugo A. Martinez relief, in the chapter 13 bankruptcy court is irrelevant, since it was obtained in perjury, fraud, and bad faith.

That is one of the reason Respondents, Stephen N. Rosenthal, Hugo A. Martinez, Bank Atlantic FSB # 810, Joanne M. Chin, Elsa C. Machado, Rachel Baum, including Ms. Nancy N. Herkert, Miami Dade County property tax Collector, Board of Commissioners Miami-Dade County, all waived their rights to respond to Petitioner in this case number: 06- 1344, since they recognized they are in default, and doesn't have any factual evidence; and Respondents know that the Guardian home property belong to Petitioner Laurent, and the children hundred percent.

The Bankruptcy Court judge erred in executed a wrongful secret relief in rem judgment from Stay, on October 5, 2001, to Stephen N. Rosenthal, attorney for Mr. Martinez, without Service of process to Mr. Laurent, and without Statement of Verification, and investigation, to verify where Hugo A. Martinez has any interest or mortgage in the Guardian home property, after June 21, 1996. In re Sonnax Indus Inc., 907 F. 2d 1280, 1285, 2d Cir. 1990) Secret Rem judgment, in the bankruptcy court, doesn't applied to Petitioner, Nicolas S. Laurent, because Mr. Stephen N. Rosenthal, and the Court

doesn't have any valid document to justify, where Hugo A. Martinez obtain mortgage, interest, or claim, in the property, after **June 21, 1996,** when Fidelity National Title Insurance paid money settlement, on behalf of Mr. Laurent to transfer the Title of the property from Real owner Richard L. Pennington, and wife Guadalupe, First party to Nicolas S. Laurent, Second Party forever, in the Eleventh Judicial Circuit Court, Dade County, Miami- Florida, case # 92-24742 CIV (21). Remark Industries v. La. 973 F. 2d 1124 (3d Cir. 1992). Supremacy Clause of the U.S. which provide that the law of the United States Constitution are Supreme law of the land no withstand any state law.

Petitioner, Nicolas S. Laurent comply and prosecuted in the State Court, Eleventh Judicial Circuit Court, Dade County, Miami-Florida, and no default being entered against Mr. Nicolas S. Laurent.

Petitioner, Nicolas S. Laurent filed answer on November 26, 2001, to the Summon, in state Court, Eleventh Judicial Circuit , and sent a copy to Hugo A. Martinez's attorney Stephen N. Rosenthal.

Hugo A. Martinez's attorney Stephen N. Rosenthal failed to reply to Mr. Laurent response to the Summons, and thereafter Petitioner went to filed a second pleading on February 19, 2002, in the Eleventh Judicial Circuit Court, indicated that Mr. Laurent never received any reply, neither from the Court, nor Mr. Stephen N. Rosenthal. Petitioner never received any service of process for the Summary

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[1]The Bankruptcy Court has authority to punish an attorney for bad faith, in Fellheimer, Eichen Braverman v. Charter Technologies57 f. 3 D 1215, BANKER. L. REP (CCH) 76544, 32 FED, R, SER v. 3D (LCP) 1263 (3d CIR. PA 1995.

Judgment, neither from the Eleventh Judicial Circuit Court, nor from Mr. Stephen N. Rosenthal.

Unexpectedly, on or about May 9, 2002, to May 12, 2002, an attorney contacted petitioner to indicated the is a foreclosure action in Petitioner's Guardian home property. Subsequently, on May 13, 2002, Nicolas S. Laurent filed Motion to dismissed foreclosure, without prejudice, in the Eleventh Judicial Circuit Court, indicated that Mr. Laurent never received any response for the answer filed on November 26, 2001, and for the pleading filed on February 19, 2002, neither from the court, nor from Hugo A. Martinez's attorney Stephen N. Rosenthal.

On May 23, 2002, attorney Steven B. Feren filed Emergency Motion, on behalf of Petitioner Laurent to Judge Leslie Rothenberg, in the state court, Eleventh Judicial Circuit, indicated that his going to have surgery, on May 24, 2002, that he will not be able to appeared in court, on behalf of Mr. Laurent and wife, and " Petitioner has a Responsive pleading filed and docket by the clerk of court, on February 19, 2002, and never receives a Notice of Hearing for the Motion for Summary Judgment, and to halted the foreclosure action, until this matter can be straightened out.

Judge Leslie Rothenberg, disregard attorney Feren letter, proceed with the foreclosure action, which Petitioner object on May 31, 2002.

On June 6, 2002, Attorney Steven B. Feren withdrew from Mr. Laurent case, since he needed more time to recuperated from the surgery.

Mr. Stephen N. Rosenthal should not represent Mr. Hugo A. Martinez in the bankruptcy court, 2001-State court, Eleventh Judicial Circuit, and the District Court, Case Number: 04- CV- 22471, since attorney Stephen N.

Rosenthal has a conflict of interest insert his name as percentage in Petitioner, Nicolas S. Laurent's Guardian home property, Dade County, Miami-Florida, Folio number: 30 -2123 010 0140, without writ of Possession, in the State Court, Eleventh Judicial Circuit.

"An attorney cannot represented a client in the same case, and the same matter, five times in different court. Bryson 131 f. 3D 601, 38 Collier Bank, CAS 2d (MB) 1673 FED. R. SERV. D. (LCP) 1524 (7TH CIR. 1997.

The bankruptcy court have an authority under rule §105, to sanction an attorney who has acted unreasonably and vexatious. "

Mr. Stephen N. Rosenthal represent Hugo A. Martinez, for the same case, same matter, five times in different court. The general rules is that a conflict of interest requires disbarred of attorney Stephen N. Rosenthal false representation claim, in the bankruptcy court.

In People v. Lepe 211 Cal Rptr. 432,434 (Cal App, 1985). The District attorney had formerly represented a party in two cases, the court held that the District attorney must be recuses, and his position requires disqualification of his entire office. This case demonstrates the integrity of the judicial system, and proper respect for a fair trial, and the right to due process.

Bank Atlantic FSB # 810, Joanne M. Chin signed contract with Petitioner, Nicolas S. Laurent to received payment for the Guardian home property taxes certificates, inside the Bankruptcy Chapter 13 payment plan, for 5 years terms of the payment plan, which was confirmed, and approved by all parties.

Thereafter on November 13, 2002, creditor Bank Atlantic FSB # 810, Nancy N. Herkert, chapter 13 trustee decide to used Petitioner's Guardian home property taxes certificates, to made a second deception foreclosures,

without relief from the Automatic Stay, when petitioner chapter 13 payment plan was fully active, and effect. In Crysen / Montenay Energy Co. v. Esselen Assoc., Inc., (In re Crysen / Montenay Energy Co.), 902 f.2d 1098 (2d Cir 1990). Overby v. Overby, 457 S. W 2d 756, 758 (1987)In re Taylor, 854 F. 2d 478, 483 (9th Cir. 1989)In re Soares v. Brockton Credit Union (In re Soares), 107 F. 3d 969 (1st Cir. 1997) Steel Co. v. Citizen For Better Environment. Sunshine Development Inc, vs. Federal Deposit Insurance Corp. 33 F. 3d 106 (1 St Cir. 1994). Saint Louis v. Hughes, 50 S. W 2d 8 50 (M O. Banc. 1997.

CONCLUSION

In light of the circuits' profound disagreement with Department of Justice regarding the scope of title of Ms. Nancy N. Herkert, and the significant impact **in the Federal Judiciary system, there is an urgent need for this court to grant review and clarify this conflict.**

For the foregoing reasons, as well as those stated in the Petition for Rehearing, Petitioner Respectfully request the Supreme Court of the United States to reconsider and grant Petitioner's Petition for Rehearing for Writ of Certiorari.

I, Nicolas S. Laurent do solemnly swear that the above statement is true and complete to the best of my knowledge.

The petition for writ of Certiorari should be granted.

Respectfully, Submitted

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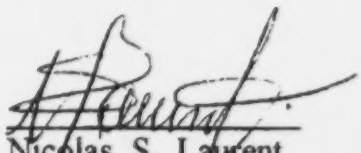
Dated June 18, 2007

CERTIFICATE OF GOOD FAITH

As Petitioner, Nicolas S. Laurent, I believe this petition for Rehearing to be meritorious and hereby certify that this petition is presented in good faith, and not for purpose of delay.



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